

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KIM MCMILLAN

Plaintiff,

v.

JAMES DAVIS SR.

MRS. WILLIE. THOMPkins

Defendants.

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* CIVIL ACTION NO. JFM-07-3002

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MEMORANDUM

On November 6, 2007, plaintiff Kim McMillan, a resident of Baltimore, Maryland, filed this *pro se* complaint invoking this court's diversity and federal question jurisdiction against defendants, two "transvestites" who, with their families, have allegedly been committed to the state's mental institution." Paper No. 1. Plaintiff seemingly claims that since 1981, defendants and their families have slandered her name in Baltimore, New York, Virginia, and South Carolina, and "have taken over the city." *Id.* She appears to allege that as a result of their actions she has been barred from McDonalds, CVS drug stores, and Starbucks restaurants. *Id.* Plaintiff also alleges that one of the defendants attacked and threatened her daughter with "extortion" on a recent visit and has manipulated her since she was seven years old.¹ *Id.* Plaintiff seeks damages in the amount of \$700,000.00. Because she appears indigent, plaintiff's motion for leave to proceed *in forma pauperis* shall be granted pursuant to 28 U.S.C. § 1915(a). Her complaint, however, shall be summarily dismissed.

¹ Plaintiff claims that defendant Davis told her daughter not to visit her mother and that they must worship the devil with defendant Thompkins. She also claims that defendants beat her daughter and put her under the ground of plaintiff's apartment where she is now buried alive. Paper No. 1.

This court may preliminarily review the claims in the plaintiff's complaint before service of process and dismiss the complaint pursuant to 28 U.S.C. § 1915(e) prior to service if the court is satisfied that it has no factual or legal basis and it is frivolous on its face. *See Neitzke v. Williams*, 490 U.S. 319 (1989); *see also Denton v. Hernandez*, 504 U.S. 25 (1992); *Cochran v. Morris*, 73 F.3d 1310 (4th Cir. 1996); *Nasim v. Warden*, 64 F.3d 951 (4th Cir. 1995). As explained by the Supreme Court in *Neitzke*: "Examples of [factually baseless lawsuits] are claims describing fantastic or delusional scenarios, with which federal district judges are all too familiar." *Neitzke v. Williams*, 490 U.S. at 328.

Plaintiff's bald assertions of defamation, extortion, assaults, live burials and devil worship are fanciful at best. The complaint clearly has no basis in law and fact and shall be dismissed as frivolous, without service of process upon defendants. Accordingly, a separate Order shall be entered reflecting the opinion set out above.

Date: November 15, 2007

/s/
J. Frederick Motz
United States District Judge